

Message

From: Maier, Brent [Maier.Brent@epa.gov]
Sent: 4/25/2019 3:44:00 PM
To: Miller, Amy [Miller.Amy@epa.gov]; Quast, Sylvia [Quast.Sylvia@epa.gov]; Torres, Tomas [Torres.Tomas@epa.gov]; Glenn, William [Glenn.William@epa.gov]; Ebbert, Laura [Ebbert.Laura@epa.gov]
Subject: Re-Control Back to HQ Confirmed for Congressman Ed Case Letter to EPA Regarding EPA's Jurisdiction Over Hawaii's Agribusiness Development Corporation - #AL-19-000-4680
Attachments: Rep. Ed Case - Incoming Letter Regarding EPA's Jurisdiction Over Hawaii's Agribusiness Development Corporation - AL-19-000-4680.pdf

The Congressman Ed Case letter (#AL-19-000-4680 see below message) regarding EPA's jurisdiction over

Ex. 5 Deliberative Process (DP)

Brent Maier

Congressional Liaison
 U.S. Environmental Protection Agency, Region IX
 75 Hawthorne St. (OPA-3)
 San Francisco, CA 94105
 Ph: 415.947.4256

From: Matthews, Demond
Sent: Thursday, April 25, 2019 8:28 AM
To: Mims, Kathy <Mims.Kathy@epa.gov>; Eades, Cassaundra <Eades.Cassaundra@epa.gov>
Cc: Maier, Brent <Maier.Brent@epa.gov>; Williams, Thea <Williams.Thea@epa.gov>; Moody, Christina <Moody.Christina@epa.gov>; Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
Subject: RE: Potential Re-Control Back to HQ of Congressman Ed Case Letter to EPA Regarding EPA's Jurisdiction Over Hawaii's Agribusiness Development Corporation - #AL-19-000-4680

Good Morning Kathy & Sandy,

I hope this emails finds you well.

Ex. 5 Deliberative Process (DP)

Thanks in advance.

V/R,
 DEMOND L. MATTHEWS
 Congressional Liasion
 EPA Office of Congressional and Intergovernmental Affairs
 Phone: 202-564-3781

From: Moody, Christina
Sent: Wednesday, April 24, 2019 8:48 PM
To: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
Cc: Maier, Brent <Maier.Brent@epa.gov>; Williams, Thea <Williams.Thea@epa.gov>; Matthews, Demond <matthews.demond@epa.gov>

Subject: Re: Potential Re-Control Back to HQ of Congressman Ed Case Letter to EPA Regarding EPA's Jurisdiction Over Hawaii's Agribusiness Development Corporation - #AL-19-000-4680

Got it.

Ex. 5 Deliberative Process (DP)

Thanks

Christina J. Moody
US Environmental Protection Agency
Office of Congressional and Intergovernmental
Relations
Moody.Christina@epa.gov

On Apr 24, 2019, at 5:32 PM, Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov> wrote:

Ex. 5 Deliberative Process (DP)

Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753 (o)

Ex. 6 Personal Privacy (PP)

From: Maier, Brent

Sent: Wednesday, April 24, 2019 5:28 PM

To: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>

Subject: Potential Re-Control Back to HQ of Congressman Ed Case Letter to EPA Regarding EPA's Jurisdiction Over Hawaii's Agribusiness Development Corporation - #AL-19-000-4680

Importance: High

Sven –

Ex. 5 Deliberative Process (DP)

Brent Maier

Congressional Liaison
U.S. Environmental Protection Agency, Region IX
75 Hawthorne St. (OPA-3)
San Francisco, CA 94105
Ph: 415.947.4256

From: Miller, Amy
Sent: Wednesday, April 24, 2019 2:23 PM
To: Ebbert, Laura <Ebbert.Laura@epa.gov>
Cc: Torres, Tomas <Torres.Tomas@epa.gov>; Maier, Brent <Maier.Brent@epa.gov>; Quast, Sylvia <Quast.Sylvia@epa.gov>; Glenn, William <Glenn.William@epa.gov>; Garnett, Desean <Garnett.Desean@epa.gov>
Subject: Re: Question - Congressman Ed Case - Letter to EPA Regarding EPA's Jurisdiction Over Hawaii's Agribusiness Development Corporation - #AL-19-000-4680

Ex. 5 Deliberative Process (DP)

Amy C. Miller
 Acting Director, Enforcement Division
 U.S. Environmental Protection Agency, Region 9

On Apr 24, 2019, at 2:10 PM, Ebbert, Laura <Ebbert.Laura@epa.gov> wrote:

Ex. 5 Deliberative Process (DP)

LE

Laura Ebbert
 Office of the Regional Administrator
 U.S. Environmental Protection Agency, Region 9
 75 Hawthorne Street
 San Francisco, CA 94105
 (415) 947-3561

From: Maier, Brent
Sent: Wednesday, April 24, 2019 1:20 PM
To: Miller, Amy <Miller.Amy@epa.gov>; Quast, Sylvia <Quast.Sylvia@epa.gov>
Cc: Glenn, William <Glenn.William@epa.gov>; Ebbert, Laura <Ebbert.Laura@epa.gov>
Subject: Question - Congressman Ed Case - Letter to EPA Regarding EPA's Jurisdiction Over Hawaii's Agribusiness Development Corporation - #AL-19-000-4680
Importance: High

Amy/Sylvia –

Ex. 5 Deliberative Process (DP)

Brent Maier
 Congressional Liaison
 U.S. Environmental Protection Agency, Region IX
 75 Hawthorne St. (OPA-3)
 San Francisco, CA 94105

Ph: 415.947.4256

From: Rep. Ed Case <ed.case@mail.house.gov>

Sent: Tuesday, April 23, 2019 6:27 PM

To: OCIRmail <OCIRmail@epa.gov>

Subject: Congressman Ed Case's Response to Your Letter

ED CASE
1ST DISTRICT, HAWAII

2443 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
TELEPHONE: 202-225-2726
FAX: 202-225-0688

1132 BISHOP STREET, SUITE 1910
HONOLULU, HI 96813
TELEPHONE: 808-650-6688
FAX: 808-533-0133
WEBSITE: CASE.HOUSE.GOV

Congress of the United States
House of Representatives
Washington, DC 20515

COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEES:
MILITARY CONSTRUCTION, VETERANS AFFAIRS
RELATED AGENCIES

COMMERCE, JUSTICE, SCIENCE AND RESEARCH
AGENCIES

LEGISLATIVE BRANCH

COMMITTEE ON NATURAL RESOURCES
SUBCOMMITTEES:
NATIONAL PARKS, FORESTS AND PUBLIC LANDS

WATER, OCEANS AND WILDLIFE

INDIGENOUS PEOPLES OF THE UNITED STATES

April 23, 2019

Mr. Troy Lyons
Associate Administrator for Congressional and Intergovernmental Relations
Environmental Protection Agency
1200 Pennsylvania Ave N Rm 3426
Washington, DC 20460-0001

Dear Mr. Lyons:

I am writing for clarification of the Environmental Protection Agency's (EPA) jurisdiction over the State of Hawaii's Agribusiness Development Corporation (ADC).

The State of Hawaii created the ADC in 1994 to help transition Hawaii's agriculture industry away from one dominated by sugar and pineapple to one based on a wide variety of crops. The ADC is a state agency overseen by an independent eleven member board of directors. Though it is administratively attached to the State of Hawaii Department of Agriculture (HDOA), HDOA does not administer or fund the ADC. The ADC receives its own funding directly from the state, and it does not receive any federal funding.

The ADC recently received contradictory rulings regarding its status as an agency for purposes of laws and regulations administered by the EPA.

- The EPA believes it has jurisdiction over the ADC because of the ADC's administrative connection to the HDOA. In this event, the EPA maintains that the ADC needs a Title VI program.
- The HDOA does not believe the administrative connection makes the ADC part of the HDOA. The HDOA believes the ADC's independent oversight board makes it a separate entity that cannot access the HDOA's Title VI program funds.

These different rulings have left the ADC in limbo especially as to Title VI. To help resolve these contradictory rulings, could your agency please provide a written response to the following questions:

- Can the EPA have jurisdiction over the ADC if the organization does not receive any federal funds?
- Did the EPA consider the ADC's independent eleven member board of directors when maintaining its jurisdiction over the ADC?
- If the ADC is under the EPA's jurisdiction because of its administrative connection to the HDOA, should the ADC then have access to the HDOA's Title VI program funds?

Thank you in advance for your assistance in clarifying the EPA's jurisdiction over the ADC. Should you need any additional information about this matter, please contact Mitch Heidenreich at (202) 225-2726 or Mitch.Heidenreich@mail.house.gov

With aloha,

Ed Case

Congressman Ed Case
(Hawaii's-First District)

EC/MH

<Rep. Ed Case - Incoming Letter Regarding EPA's Jurisdiction Over Hawaii's Agribusiness Development Corporation - AL-19-000-4680.pdf>

<Control Information for AL-19-000-4680.pdf>

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